



**DEPARTMENT OF THE ARMY**  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31402

JUL 01 2009

Regulatory Division  
200900686

**PUBLIC NOTICE**

**SUBJECT:** Amendment of Restrictive Covenant Recorded for the Perpetual Protection of Preserved Wetlands and Adjacent Upland Buffers.

On June 2, 2009, the USACE received a request from Environmental Services, Inc. (ESI) on behalf of the Morgan Family for amendment of an existing restrictive covenant on a 179.81-acre parcel located in Chatham and Effingham Counties, Georgia. The proposed amendment would serve to accomplish three objectives, the first of which is to return the subject property to the Morgan Family. The second objective is to retain the previously permitted mitigation value that was required to offset impacts of two public transportation projects completed by the Georgia Department of Transportation (GDOT) and Chatham County. The third objective is to resolve the pending condemnation case between GDOT and the Morgan Family, which has been in dispute since 1999.

Site History: The subject property was purchased by the Morgan Family in 1946. Since that time, the Morgan Family has been managing this property for normal timber operations.

In the late 1990's, the property was identified by ESI, and later EMC Engineering, on behalf of Chatham County, as a suitable mitigation site for pending GDOT/Chatham County projects, Pooler Parkway Phase II and Pipemakers Canal Phase I. When these projects were initiated by Chatham County, EMC Engineering submitted a mitigation plan to the USACE which included using the subject property as a preservation site to generate sufficient credits for the proposed projects.

During this time, the Morgan Family were given an offer to sell the subject property, and declined the offer. Subsequently, the subject property was condemned and the above referenced condemnation case and dispute began.

The USACE accepted the mitigation proposed by EMC. As a result, a restrictive covenant was recorded for the subject 179.81-acre parcel in Chatham County on April 9, 2003, in Book 249M, pages 292 and 293. The associated plat indicated 44.96-acres of uplands and 134.85-acres of wetlands existed within the protected area. The property generated 175.5 wetland credits through preservation.

Proposal: The Morgan Family is presently proposing to adjust the boundaries of the mitigation area and subsequently amend the associated restrictive covenants to reflect this modification. The existing mitigation boundary, as shown in "Exhibit B," incorporates 179.81-acres. "Figure

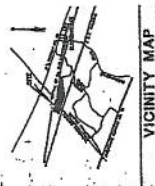
4" shows the proposed modification and includes a total of 184.2-acres. The existing mitigation area contains 134.85-acres of wetland and 44.96-acres of upland. The modified boundary would include 156.2-acres of wetland and 28-acres of upland, of which 12.2-acres comprise a 50' buffer around the mitigation area. This proposal does not request additional credits for preservation of additional acreage.

Comment Period: Anyone wishing to comment on this proposed amendment to existing restrictive covenants should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Katie Knowles, no later than 30 days from the date of this notice. Please refer to the file number in your comments.

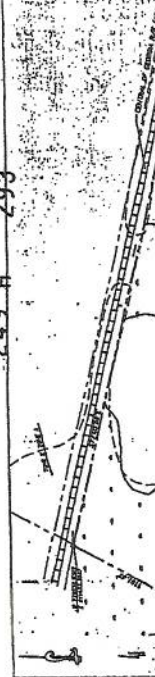
If you have any further questions concerning this matter, please contact Katie Knowles at (912) 652-5051.

Enclosures:

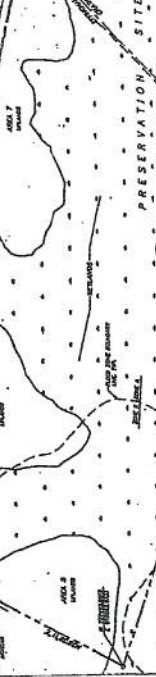
- (1) Exhibit B: Existing mitigation boundary
- (2) Figure 4: Proposed boundary modification



VICINITY MAP



VICINITY MAP



FOR COMMISSIONERS OF CHATHAM COUNTY, GEORGIA  
OF THE MORGAN TRACT FOR POOL PARKWAY  
CHATHAM COUNTY, GEORGIA

EMD ENGINEERING, INC.  
1000 N. W. 10th Ave., Suite 100  
Miami, FL 33136  
Tel: (305) 555-0000  
Fax: (305) 555-0001

DATE: 10/1/00  
BY: [Signature]

SCALE: 1" = 100'

NOTES: 1. ALL AREAS ARE CHARACTERIZED AS PRESERVATION SITES.  
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AREA 3: 1.18  
AREA 4: 1.18  
AREA 5: 1.18  
AREA 6: 1.18  
AREA 7: 1.18  
AREA 8: 1.18  
AREA 9: 1.18  
AREA 10: 1.18  
AREA 11: 1.18  
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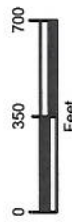
**Revised DOT Boundary**

**Canal**

**Upland Island**

**Upland Buffer**

**Jurisdictional Wetland**



Source(s): 2007 NAIP Aerials, ESI Preliminary Wetland Sketch

Disclaimer: The information depicted on this figure is for conceptual purposes only, serves to aid a licensed engineer or geologist in rendering professional services, and is subject to review and approval by appropriate regulatory agencies.



**ENVIRONMENTAL SERVICES, INC.**  
413 East Liberty Street  
Savannah, Georgia 31401  
(912) 236-4711  
(912) 236-3668 Fax  
[www.environmentalservicesinc.com](http://www.environmentalservicesinc.com)

Restrictive Covenant Boundary  
**Morgan / Condemnation Tract**  
Effingham & Chatham Counties, Georgia

Land Type	Acres
Jurisdictional Wetland	156.2
Upland Buffer	2.4
Upland Buffer	2.4
Upland Buffer	3.2
Upland Buffer	1.8
Upland Buffer	2.6
<b>Sum Upland Buffer</b>	<b>12.4</b>
Upland Island	1.5
Upland Island	1.0
Upland Island	13.1
<b>Sum Upland Island</b>	<b>15.6</b>
<b>Total</b>	<b>184.2</b>

Project:	ES08073.00
Date:	April 2009
Drawn/Chkd:	TS/MD
Figure:	4